

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 3:24-CR-17-TAV-JEM
)	
TIMOTHY JUSTIN FRADY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Timothy Frady's Motion to Continue Trial and All Deadlines [Doc. 10], filed on May 1, 2024.

In support of his motion, Defendant Frady asserts that he is accused of conduct leading to the death of his wife in a motorcycle accident more than eighteen months ago in the Great Smoky Mountains National Park. Defendant made his initial appearance on April 10, 2024, and the Government has produced discovery in a timely manner. Defendant states that "[d]ue to the nature of the government's evidence and the technical and scientific proof associated with blood toxicology and accident reconstruction, the [D]efendant requires additional time to evaluate the discovery and assess whether expert witnesses will be necessary" [Doc. 10 p. 1]. Defendant understands that the period of time between the filing of this motion for continuance and a rescheduled court date will be fully excludable for speedy trial purposes. Counsel for the Government confirmed with Chambers via email that she does not oppose the requested continuance.

Based upon the information in Defendant's motion and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs more time to review, discuss, and evaluate discovery with Defendant, determine if an expert witness will be necessary, and otherwise prepare for trial. The Court finds that all of this cannot occur before the June 18, 2024 trial date.

The Court therefore **GRANTS** Defendant Timothy Frady's Motion to Continue Trial and All Deadlines [**Doc. 10**]. The trial of this case is reset to **October 1, 2024**. A new, comprehensive trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on May 1, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

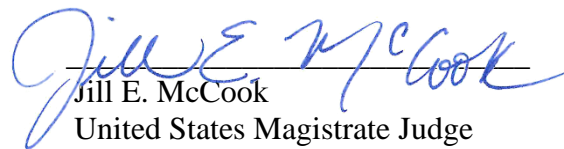
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Timothy Frady's Motion to Continue Trial and All Deadlines [**Doc. 10**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **October 1, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **May 1, 2024**, and the new trial date of **October 1, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

- (4) the deadline for filing pretrial motions is extended to **June 3, 2024**, and responses to motions are due on or before **June 17, 2024**;
- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **August 30, 2024**;
- (6) the deadline for filing motions *in limine* is **September 16, 2024**;
- (7) the parties are to appear before the undersigned for a final pretrial conference on **September 17, 2024, at 10:30 a.m.**; and
- (8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **September 20, 2024**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge